

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

RECEIVED  
DOCKET FILE COPY ORIGINAL  
JAN 5 - 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 ) CC Docket No. 94-54  
Interconnection and Resale Obligations )  
Pertaining to Commercial Mobile Radio )  
Services )

**SUPPLEMENTAL COMMENTS OF  
GTE SERVICE CORPORATION**

GTE Service Corporation ("GTE"), on behalf of its affiliated telecommunications companies, hereby submits its comments in response to the *Public Notice* issued by the Federal Communications Commission ("FCC") on December 5, 1997.<sup>1</sup> The *Notice* seeks to update the record in the above-captioned proceeding regarding whether the FCC should impose regulations governing automatic roaming, since the pleading cycle on the *Second Report and Order and Third Notice of Proposed Rulemaking* closed over a year ago.<sup>2</sup> In its comments on the *Third NPRM*, GTE urged the Commission to rely on market forces to govern roaming agreements and to avoid regulating automatic roaming in the absence of evidence that carriers were not operating in good faith. As

---

<sup>1</sup> "Commission Seeks Additional Comment on Automatic Roaming Proposals for Cellular, Broadband PCS, and Covered SMR Networks," *FCC Public Notice*, CC Docket No. 95-54 (rel. Dec. 5, 1997) ("*Notice*").

<sup>2</sup> Interconnection and Resale Obligations Pertaining to Commercial Mobile Radio Services, *Second Report and Order and Third Notice of Proposed Rulemaking*, CC Docket No. 95-54 (rel. Aug. 15, 1996) ("*Third NPRM*"). Comments on the *Third Notice* were filed on October 4, 1996, and reply comments were filed on November 22, 1996.

No. of Copies rec'd  
List A B C D E

024

discussed below, GTE's experience over the past year in negotiating automatic roaming agreements affirms the wisdom of a market-based approach.

In the *Third NPRM*, the Commission sought comment on whether to impose an automatic roaming requirement. Specifically, the Commission was concerned that, during the build-out of broadband personal communications service ("PCS") networks, market conditions may create incentives for some commercial mobile radio service ("CMRS") providers to discriminate unreasonably in the provision of roaming. In its prior filings in this docket, GTE commented that: (i) adopting new rules without clear evidence that such regulations are necessary runs counter to recent Congressional legislative initiatives, including the Telecommunications Act of 1996; (ii) absent evidence that the marketplace will fail to protect consumers' interests with regard to automatic roaming, market forces rather than regulation should govern CMRS providers' deployment and operations; and, (iii) even if a CMRS provider attempted to discriminate against another carrier in providing roaming services, such conduct is already prohibited under the Communications Act and subject to the Commission's existing Section 208 complaint procedures. For these reasons, GTE argued strongly against the imposition of an automatic roaming requirement.

Since the close of comment rounds on the *Third NPRM*, many changes to the CMRS marketplace have occurred. First, standards and technology for inter-network (dual mode) handsets have progressed substantially. Second, many broadband PCS A and B block licensees have completed initial system roll out and have begun providing service to the public. Third, the Commission has substantially completed the issuance of the C, D, E, and F Block PCS licenses and development of those networks is

underway. Finally, the auctions for 800 MHz SMR licenses have closed. In the wake of these significant changes, the Commission has issued the *Notice* to update the record developed on the *Third NPRM*.

GTE's experience over the course of the last year bears out the wisdom of a market-based approach to automatic roaming. GTE, through its wireless subsidiaries, holds both 800 MHz cellular and 2 GHz PCS licenses and therefore has experience both as an incumbent and as a start-up CMRS provider in different markets. As a cellular carrier, GTE has executed automatic roaming agreements with at least nine separate broadband PCS providers, including most of the largest PCS licensees in the country. All of these agreements provide for competitive roaming rates and for roaming across the full range of GTE Mobilnet markets. As a new PCS carrier, GTE also has had experience negotiating with incumbent CMRS providers to ensure the availability of wide area service for its 2 GHz customers.

GTE has no reason to believe that other carriers' experiences in negotiating and concluding automatic roaming agreements should be any different. Negotiations for automatic roaming agreements are—like all other negotiations for competitive services—sometimes contentious and involve some adversarial posturing. GTE has not, however, encountered any widespread systemic resistance to negotiating competitive rates, terms, and conditions, nor has it identified any widespread abusive or discriminatory practices by carriers in the negotiating process. In the absence of compelling evidence of unreasonable, unjust, or discriminatory practices, GTE does not believe the Commission should intervene in automatic roaming negotiations.

As a final matter, the *Notice* also requests comment on a network issue related to roaming—specifically, whether the “roaming proposals are technically compatible with the CMRS number portability requirements established in the *Number Portability First Report and Order* in CC Docket No. 95-115.”<sup>3</sup> This order presently requires CMRS carriers to “have the capability of querying number portability database systems in order to deliver calls from their networks to ported numbers anywhere in the country by December 31, 1998.” As the *Notice* observes, however, CMRS providers may not be capable of supporting “automatic roaming on systems that are configured to meet the CMRS number portability requirements.”<sup>4</sup>

The technical challenges in maintaining nationwide automatic roaming with the implementation of number portability are considerable. As the Cellular Telecommunications Industry Association (“CTIA”) has documented in its recent request to postpone the deadline for CMRS number portability,<sup>5</sup> splitting certain functionalities associated with the Mobile Identification Number (“MIN”) to a separate Mobile Directory Number (“MDN”) is a formidable technical task. And, while the basic MIN/MDN split has been agreed to, standards have not yet been developed for implementing the split and automatic roaming solutions are, as yet, still theoretical. Under these circumstances, GTE supports CTIA’s requested extension of time for

---

<sup>3</sup> *Id.* at 2 & n.6 (citing Telephone Number Portability, 11 FCC Rcd 8352 (1996)).

<sup>4</sup> *Id.*

<sup>5</sup> Petition for Extension of Implementation Deadlines of the Cellular Telecommunications Industry Association, CC Docket No. 95-115 (filed Nov. 24, 1997).

CMRS carriers to implement number portability. Moreover, the CTIA petition and technical attachments further illustrate that imposing automatic roaming mandates at the present time is unsound, because technical changes will undoubtedly be necessary to accommodate both required number portability as well as the offering of automatic roaming arrangements. Thus, any FCC rules adopted at this time for automatic roaming could limit carriers' flexibility to rapidly deploy needed network modifications.

In summary, GTE opposes the adoption of automatic roaming regulations as unnecessary and unwarranted. GTE's own experiences, both as an incumbent carrier and as a new entrant, reveal no discriminatory practices or bad faith in arriving at market-based automatic roaming agreements. In the absence of documented evidence of such behavior, automatic roaming mandates will only introduce market distortions and limit carriers' technical flexibility at a time when significant changes are eminently

foreseeable. GTE therefore urges the Commission to abstain from intervening and adopting automatic roaming rules.

Respectfully submitted,

GTE Service Corporation and its affiliated  
telecommunications companies

By: Andre Lachance  
Andre J. Lachance  
1850 M Street, N.W.  
Suite 1200  
Washington, DC 20036  
(202) 463-5276

Their Attorney

Dated: Jan. 5, 1998